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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

IN RE:	§	
REAGOR-DYKES MOTORS, LP, <i>et. al.</i>	§	Case No. 18-50214-rlj11
	§	(Jointly Administered)
Debtor.	§	

**FIRSTCAPITAL BANK OF TEXAS’S RESPONSE TO NYLE MAXWELL’S
MOTION TO LIFT AUTOMATIC STAY**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

FirstCapital Bank of Texas (“FCB”) files this Response to Nyle Maxwell’s Motion to Lift Automatic Stay (the “Motion”)[Doc. 131] and would show as follows:

1. FCB is a creditor of Debtors, Reagor-Dykes Amarillo, LP and Reagor-Dykes Floydada, LP, as well as a non-debtor entity, Reagor Auto Mall, Ltd., by virtue of various loans made to each of the entities. FCB has a prior perfected security interest in two vehicles the subject of the Motion, as follows:

2018 Jeep Grand Cherokee, VIN 1C4RJFAG7JC440770

2015 Dodge Charger, VIN 2C3CDXHG1FH726406

(the “Vehicles”).

2. FCB’s prior perfected security interest in the Vehicles is superior to any claim by Nyle Maxwell to the Vehicles, and to any other parties. It appears from the Motion that Nyle Maxwell is nothing more than an unpaid seller of goods and does not have a security interest or

other interest in the Vehicles, thereby making Nyle Maxwell simply an unsecured creditor of the Debtors, or the non-debtor entity, Reagor Auto Mall, Ltd. It would be improper for this Court to allow an unsecured creditor to realize on the collateral of a properly secured creditor.

3. In addition, to the extent that the Vehicles are property of Reagor Auto Mall, Ltd., this Court does not have jurisdiction to enter rulings related to the Vehicles as this would not be a “core proceeding”. This matter potentially involves facts not in privity with any of the Debtor entities, thereby putting this controversy beyond this Court’s jurisdiction and adjudicatory authority.

4. WHEREFORE, FCB asks the Court, to the extent it even has jurisdiction, to deny the Motion.

Respectfully submitted,

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/s/ John Massouh

John Massouh

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via electronic and/or U.S. Mail on **September 12, 2018** upon all parties entitled to such notice as provided by the ECF filing system.

*/s/ John Massouh*_____

John Massouh

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